

IN RE: PETITION FOR ZONING VARIANCE * BEFORE THE
M/S Kenwood Ave., 820' (+/-) * ZONING COMMISSIONER
N of c/l Shady Spring Ave. *
6003 Kenwood Avenue * OF BALTIMORE COUNTY
14th Election District *
6th Councilmanic District * Case No. 93 471-A
John D. Chaudron, et ux
Petitioners *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner as a Petition for Variance for that property located at 6003 Kenwood Avenue in the Kenwood Park Subdivision of Baltimore County. The Petitioners/property owners, John D. Chaudron and Linda L. Chaudron, his wife, request a variance from Section 415A.1.A of the Baltimore County Zoning Regulations (B.C.Z.R.) to allow more than one recreational vehicle on a residential lot occupied by a single family detached dwelling. The relief requested is more particularly shown on Petitioners' Exhibit No. 1, the plat to accompany the Petition for Variance.

Appearing at the public hearing held for this case were the property owners, John D. and Linda L. Chaudron. There were no Protestants present.

Testimony and evidence presented was that the subject property is a narrow, yet deep, lot located at 6003 Kenwood Avenue. The lot is 70 ft. in width and approximately 400 ft. deep. Although located in the Kenwood Park residential subdivision, the property is split zoned D.R.3.5 and M.L. The front portion of the property contains a single family dwelling and detached garage and is zoned D.R.3.5. The rear portion of the site is zoned M.L. and is unimproved. The RV vehicles in question are located on the rear portion of the property. As to the surrounding neighborhood, there are dwellings located on both sides of the subject lot at the same

depth as the subject dwelling from Kenwood Avenue. A lot beyond the rear of the subject property, zoned M.L., is occupied by a fence manufacturer. That large lot has frontage down the street on Kenwood Avenue and curls around towards the rear of the Petitioners' property.

Testimony and evidence presented is that there are presently three small boats and two campers located on the site. Two of the smaller boats (14 and 16 ft. in length, respectively) are used for fishing and similar purposes. The Petitioners produced evidence and testimony of a policy formulated by Baltimore City restricting boats used in other bodies of water from being used in the Liberty, Prettyboy and Loch Raven Reservoirs because of zebra mussel infestation. The Petitioners testified that two boats are needed so that they can enjoy their fishing hobby both in these local reservoirs and other bodies of water. Further, the Petitioners also have a 16 ft. sailboat on the property. However, this boat is for sale. The Petitioners do not intend on replacing same when sold. Further, the Petitioners maintain two small campers on the property. One is 16 ft. and the other is 25 ft. in length. They noted that originally, the campers were stored at a property owned by them in rural Pennsylvania. However, because of vandalism, storage at that location is no longer possible.

This case comes before the Zoning Commissioner after a zoning violation notice was issued against the property. The Petitioners indicated that a complaint was filed by a former employee who is disgruntled due to his separation from the Petitioners' business. That business is not conducted on site. Further, the Petitioners produced letters from neighbors on both sides of the property who do not object to the storage of the recreational vehicles. These neighbors note the dense landscaping to the rear of the property which blocks the visibility of the RVs and the commer-

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cial zoning of the property as reasons for their acquiescence of the proposed variances.

An area variance may be granted where strict application of the zoning regulations would cause practical difficulty to the Petitioner and his property. McLean v. Soley, 270 Md. 208 (1973). To prove practical difficulty for an area variance, the Petitioner must meet the following:

- 1) whether strict compliance with requirement would unreasonably prevent the use of the property for a permitted purpose or render conformance unnecessarily burdensome;
- 2) whether the grant would do substantial injustice to applicant as well as other property owners in the district or whether a lesser relaxation than that applied for would give substantial relief; and
- 3) whether relief can be granted in such fashion that the spirit of the ordinance will be observed and public safety and welfare secured.

Anderson v. Bd. of Appeals, Town of Chesapeake Beach, 22 Md. App. 28 (1974).

It is clear from the testimony that if the variance is granted, such use, as proposed, will not be contrary to the spirit of the B.C.Z.R. and will not result in any injury to the public good.

After due consideration of the testimony and evidence presented, it is clear that a practical difficulty or unreasonable hardship will result if the variance is not granted. It has been established that special circumstances or conditions exist that are peculiar to the land or structure which is the subject of the variance requested, and that the requirements from which the Petitioners seek relief will unduly restrict the use of the land due to the special conditions unique to this particular parcel. In addition, the variance requested will not cause any injury to the

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public health, safety and general welfare. Further, granting of the variance will be in strict harmony with the spirit and intent of the B.C.Z.R. Clearly, owing to the unique configuration and zoning of this lot, a granting of the variance would not cause any detriment to the health, safety and general welfare of the community. That is, the RVs are situated in a portion of the site which carries an intense zoning classification (M.L.), away from the Petitioners dwelling and other residences nearby. Further, the significant depth of the lot produces a large buffer to other residences in this location.

Lastly, because of the City's policy enacted to protect the local reservoirs, as well as the Petitioners prior vandalism problems at the other property, justify the granting of the variance and constitutes practical difficulty.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the relief requested should be granted.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 19th day of August, 1993 that a variance from Section 415A.1.A of the B.C.Z.R. to allow more than one recreational vehicle on a residential lot occupied by a single family detached dwelling, in accordance with Petitioners' Exhibit No. 1, be and is hereby GRANTED, subject, however, to the following restrictions which are conditions precedent to the relief granted herein:

1. The Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30 day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioners would be required to return, and be responsible for returning, said property to its original condition.

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2. The recreational vehicles must continue to be located only on the M.L. portion of the site, as shown on the site plan.
3. The variance relief granted is restricted to the RVs identified at the hearing and presently stored on the property. In the event of the sale and/or loss of any of those vehicles, the relief granted herein shall be forfeited.

LES:mmn

LAWRENCE E. SCHMIDT
Zoning Commissioner
for Baltimore County

Suite 113 Courthouse
400 Washington Avenue
Towson, MD 21204

(410) 887-4386

August 18, 1993

Mr. and Mrs. John D. Chaudron
6003 Kenwood Avenue
Baltimore, Maryland 21237

RE: Case No. 93-471-A
Petition for Variance
Property: 6003 Kenwood Avenue

Dear Mr. and Mrs. Chaudron:

Enclosed please find the decision rendered in the above captioned case. The Petition for Zoning Variance has been granted, in accordance with the attached Order.

In the event the decision rendered is unfavorable to any party, please be advised that any party may file an appeal within thirty (30) days of the date of the Order to the County Board of Appeals. If you require additional information concerning filing an appeal, please feel free to contact our Appeals Clerk at 887-3391.

Very truly yours,

LAWRENCE E. SCHMIDT
Zoning Commissioner

LES:mmn

att.
cc: Gary Freund, Zoning Inspector



Petition for Variance
to the Zoning Commissioner of Baltimore County
for the property located at 6003 Kenwood Avenue

which is presently zoned DR5.5

This Petition shall be filed with the Office of Zoning Administration & Development Management. The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section(s) Sec. 415A.1.A To allow more than one recreational vehicle on a residential lot occupied by a single family detached dwelling.

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County, for the following reasons: (Indicate hardship or practical difficulty)
Current zoning regulations only allow parking one (1) recreational vehicle on property.
The subject property cannot be improved and is ideally suited for the purpose for which it was being used. We have several privately owned recreational vehicles that are parked in a heavily wooded and wooded area which is not visible to the public and has never been a problem in the past. I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

Contact Purchaser/lessor:

(Type or Print Name)

Signature

Address

City

Attorney for Petitioner:

(Type or Print Name)

Signature

Address

City

We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Legal Owner(s):
Mr. John D. Chaudron

(Type or Print Name)

Signature

Mrs. Linda L. Chaudron

(Type or Print Name)

Signature

6003 Kenwood Ave. 665-3459 Home
686-9000 Work

Baltimore, Maryland 21237

City, Address and phone number of representative to be contacted

Signature

Address

City

Phone No.

ESTIMATED LENGTH OF HEARING

the following date

ALL OTHER

REMOVED BY: R.T. DATE: 6-29-93

ITEM # 475

EXAMPLE 3 - Zoning Description - 3 copies

Three copies are required. Copies of deeds cannot be used in place of this description. Use this fill-in format provided whenever possible; otherwise, type or print on 8-1/2" x 11" sheet.

ZONING DESCRIPTION FOR 6003 KENWOOD AVE
(address)
Election District 14 Councilmanic District 6

Beginning at a point on the WEST side of KENWOOD AVE
(north, south, east or west)

AVENUE which is 40 FT.
(street on which property fronts) (number of feet of right-of-way width)

wide at a distance of 820 FT. NORTH of the
(number of feet) (north, south, east or west)

centerline of the nearest improved intersecting street SHADY SPRING AVE.
(name of street)

which is 40 FT. wide. *Being Lot # 70
(number of feet of right-of-way width)

Block _____, Section # _____ in the subdivision of
KENWOOD PARK as recorded in Baltimore County Plat

Book # 1, Folio # 323, containing
22,000 SQ. FT. 0.502 ACRES

ITEM # 475

If your property is not recorded by Plat Book and Folio Number, then DO NOT attempt to use the Lot, Block and Subdivision description as shown, instead state: "As recorded in Deed Liber _____, Folio _____ and include the measurements and directions (metes and bounds only) here and on the plat in the correct location.

Example of metes and bounds: N. 87° 12' 13" E. 321.1 ft., S. 18° 03' 03" E. 87.2 ft., S. 62° 19' 00" W. 318 ft., and N. 08° 15' 22" W. 80 ft. to the place of beginning.

7

CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

District: 1474 Date of Posting: 7/10/93
Posted for: John D. Chaudron
Petitioner: John D. Chaudron
Location of property: 6003 Kenwood Avenue, Baltimore, MD 21204
Location of Sign: Kenwood Avenue, Baltimore, MD 21204
Remarks: See Case No. 93-471-A
Posted by: [Signature] Date of return: 7/19/93
Number of Signs: 1

93-471-A

Baltimore County
Zoning Administration &
Development Management
111 West Chesapeake Avenue
Towson, Maryland 21204

receipt

Date: 6/29/93 Account: 8-001-6180
Number: ITEM # 475
JOHN & LINDA CHAUDRON - 6003 KENWOOD AVE
020 - VARIANCE - \$ 250.00 R.T.
050 - SIGN - \$ 35.00
TOTAL - \$ 285.00

0240260119WICMRC
RA C01051A00-29-93 \$285.00
Please Make Checks Payable To: Baltimore County

Cashier Validation

CERTIFICATE OF PUBLICATION

TOWSON, MD. 7/15, 1993
THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper published in Towson, Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on 7/15, 1993.

THE JEFFERSONIAN,
A. Henickson
LEGAL AD. - TOWSON

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the property identified herein in Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204, on Tuesday, August 3, 1993 at 9:00 a.m. in Room 118, Old Courthouse.

Case Number: 93-471-A (Item 475)
6003 Kenwood Avenue
W/S Kenwood Avenue, 820' +/- N of c/l Shady Spring Avenue
14th Election District - 6th Councilmanic
Petitioner(s): John D. Chaudron and Linda L. Chaudron
HEARING: TUESDAY, AUGUST 3, 1993 at 9:00 a.m. in Room 118, Old Courthouse.

Variance: to allow more than one recreational vehicle on a residential lot occupied by a single family detached dwelling.

NOTES: (1) Hearings are handicapped accessible; for special accommodations please call 887-3353. (2) For information concerning the file and/or hearing, please call 887-3391.

Baltimore County Government
Office of Zoning Administration
and Development Management

111 West Chesapeake Avenue
Towson, MD 21204

(410) 887-3353

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[Signature]
Arnold Jablon
Director

cc: John and Linda Chaudron/6003 Kenwood Avenue/Baltimore Maryland 21204

NOTES: (1) ZONING SIGN & POST MUST BE RETURNED TO RM. 104, 111 W. CHESAPEAKE AVENUE ON THE HEARING DATE.
(2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.
(3) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THIS OFFICE BY 887-3391.

TO: PUTNEY PUBLISHING COMPANY
July 15, 1993 Issue - Jeffersonian

Please forward billing to:

John and Linda Chaudron
6003 Kenwood Avenue
Baltimore, Maryland 21204
410-665-9459

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LAWRENCE E. SCHMIDT
ZONING COMMISSIONER FOR BALTIMORE COUNTY

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(2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, PLEASE CALL 887-3391.

Baltimore County Government
Office of Zoning Administration
and Development Management

111 West Chesapeake Avenue
Towson, MD 21204

(410) 887-3353

July 28, 1993

Mr. and Mrs. John D. Chaudron
6003 Kenwood Avenue
Baltimore, MD 21204

RE: Case No. 93-471-A, Item No. 475
Petitioner: John D. Chaudron, et ux
Petition for Variance

Dear Mr. and Mrs. Chaudron:

The Zoning Plans Advisory Committee (ZAC) has reviewed the plans submitted with the above referenced petition. The attached comments from each reviewing agency are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties, i.e., Zoning Commissioner, attorney and/or the petitioner, are made aware of plans or problems with regard to the proposed improvements that may have bearing on this case.

Enclosed are all comments submitted thus far from the members of ZAC that offer or request information on your petition. If additional comments are received from other members of ZAC, I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing file. This petition was accepted for filing on June 29, 1993, and a hearing was scheduled accordingly.

The following comments are related only to the filing of future zoning petitions and are aimed at expediting the petition filing process with this office.

1) The Director of Zoning Administration and Development Management has instituted a system whereby seasoned zoning attorneys who feel that they are capable of filing petitions that comply with all aspects of the zoning regulations and petitions filing requirements can file their petitions with this office without the necessity of a preliminary review by Zoning personnel.

Maryland Department of Transportation
State Highway Administration

O. James Lighthizer
Secretary
Hal Kassoff
Administrator

Ms. Helene Kehring
Zoning Administration and
Development Management
County Office Building
Room 109
111 W. Chesapeake Avenue
Towson, Maryland 21204

Re: BALTC. CO.
Item No.: 6 475 (RT)

Dear Ms. Kehring:

This office has reviewed the referenced item and we have no objection to approval as it does not access a State roadway and is not effected by any State Highway Administration project.

Please contact Bob Small at 410-333-1350 if you have any questions.

Thank you for the opportunity to review this item.

Very truly yours,

[Signature]
for John Contestabile, Chief
Engineering Access Permits
Division

BS/

My telephone number is _____

Teletypewriter for Impaired Hearing or Speech
383-7555 Baltimore Metro - 545-5451 D.C. Metro - 1-800-452-5923 Statewide Toll Free
707 North Calvert St., Baltimore, Maryland 21203-5717

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Zoning Administration and
Development Management

DATE: July 16, 1993

FROM: Pat Keller, Deputy Director
Office of Planning and Zoning

SUBJECT: Petitions from Zoning Advisory Committee

The Office of Planning and Zoning has no comments on the following petition(s):
Item Nos. 1, 3, 7, 470, 473, 474, 475 and 476.

If there should be any further questions or if this office can provide additional information, please contact Jeffrey Long in the Office of Planning at 887-3480.

Prepared by: [Signature]

Division Chief: [Signature]

PK/ZL:lw

001.ZAC/ZAC1

RECEIVED
JUL 12 1993

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE CORRESPONDENCE

ZADM

TO: Zoning Advisory Committee DATE: July 9, 1993

FROM: Jerry L. Pfeifer, Captain
Fire Department

SUBJECT: July 19, 1993 Meeting

- #473 - No comments
- #474 - No comments
- #475 - No comments
- #476 - No comments
- #477 - Building shall be built in compliance with the 1991 Life Safety Code.
- #1 - No comments
- #2 - No comments
- #3 - No comments
- #4 - No comments
- #5 - No comments
- #6 - A fire hydrant is required at the entrance to the site.
- Building shall be built in compliance with the 1991 Life Safety Code.
- #7 - No comments

JLP/dal

cc: File

ITEM # 475

Plat to accompany Petition for Zoning **VS** **Special Hearing**

see pages 5 & 6 of the CHECKLIST for additional required information

ADDRESS: 4003 KENWOOD AVE
KENWOOD PARK
 Section 333, Lot 70, Section NONE
DR. D. & LINDA L. CHAUDRON

93-471-A

SHADY SPRING RD
 KENWOOD AVE
 SUBJECT PROPERTY
 VICINITY MAP
 SCALE: 1"=100'

LOCATION INFORMATION

Election District: 14
 Councilmanic District: C
 1/2-MILE MAP: NE-SF
 Zoning: DR 3.5 & HL
 Lot size: 642 70x140
 8 square feet

SEWER: ☒ ☐
 WATER: ☒ ☐
 Chesapeake Bay Critical Area: ☒ ☐
 Prior Zoning Hearings: NONE

Zoning Office Use ONLY
 reviewed by: ITEM #: CASE #:
R.T. 475

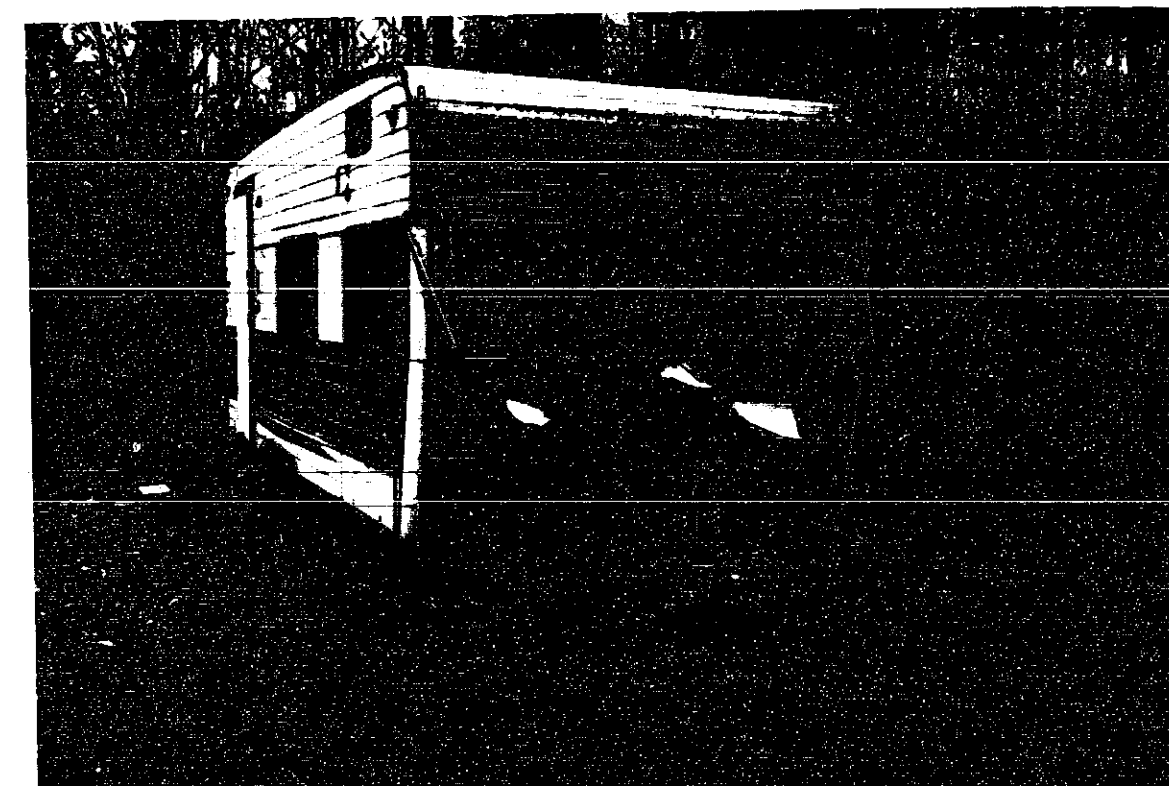
North

Date: 6/11/93
 prepared by: JDC

Scale of Drawing: 1"=100'

DETAIL A
 SCALE 1"=50'

REX NO1



PLAT "A"
KENWOOD PARK

Thos. H. Disney.
Surveyor.

SCALE 200ft = 1" 

Amended Plat of Kenwood Park.

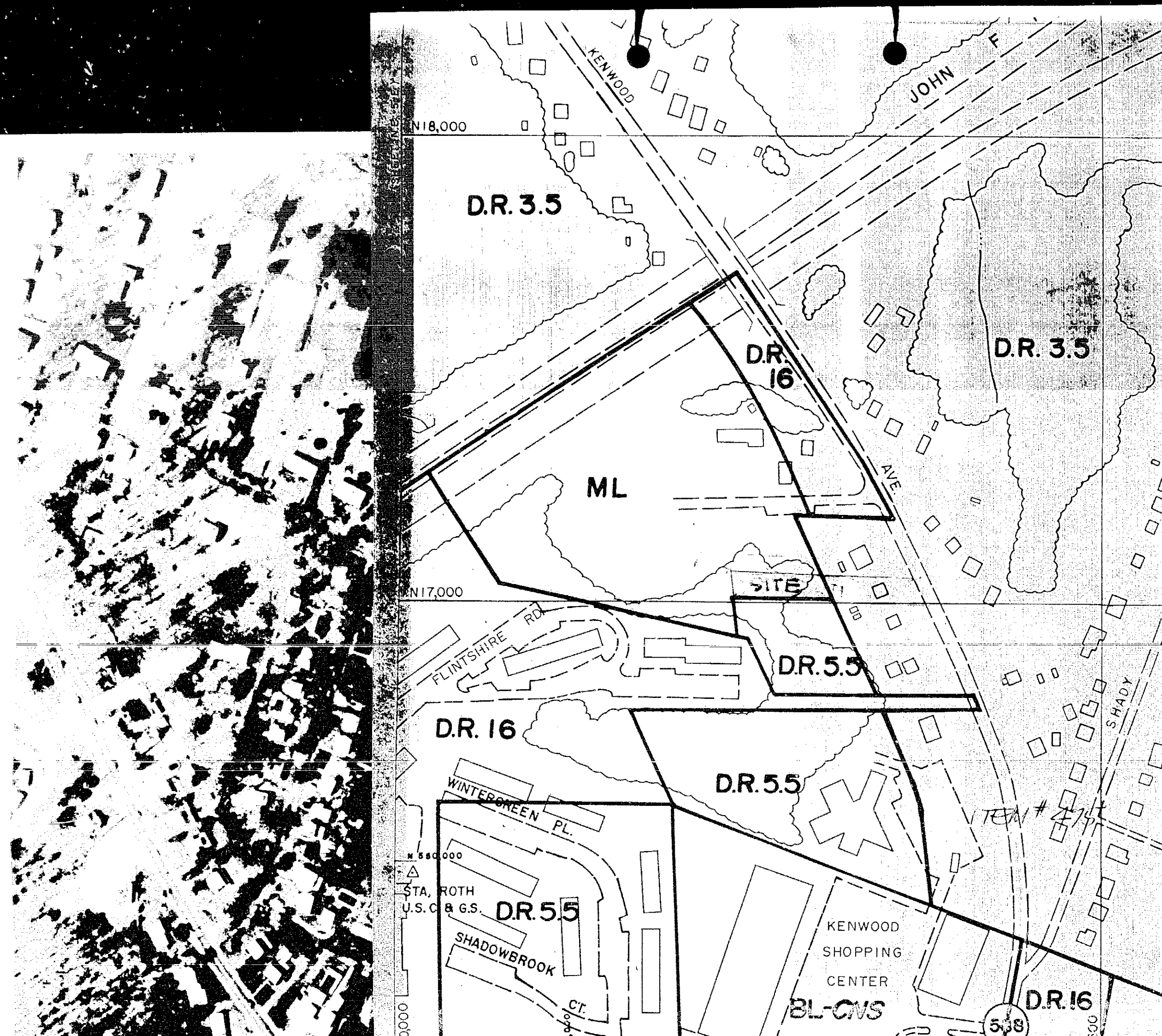
filed Nov 12. 1907

Test: Wm P. Cole. Clerk

ITEM # 475

93-471-A

ITEM # 475



93-471-A

BALTIMORE COUNTY
OFFICE OF PLANNING AND ZONING
PHOTOGRAPHIC MAP

PREPARED BY AIR PHOTOGRAPHICS, INC.
MARTINSBURG, W.V. 25401

SCALE
1" = 200' ±
DATE
OF
PHOTOGRAPHY
JANUARY
1986

LOCATION
GOLDEN RING
KENWOOD

SHEET
N.E.
5-F